

DOCKET NO: 271884US2PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
BOGDAN SERBAN, ET AL. : EXAMINER: LEE, KENNETH B.
SERIAL NO: 10/535,399 :
FILED: FEBRUARY 8, 2006 : GROUP ART UNIT: 2629
FOR: DATA INPUT DEVICE :

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Election of Species requirement dated January 29, 2010, Applicants provisionally elect, with traverse, Species I, corresponding to Figs. 1, 2, 4, 5 and 6, and identify Claims 17-24, 28-31, 33, 36, and 38 as readable on the elected Species. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected embodiments.

Applicants respectfully traverse the Election of Species requirement based on MPEP § 803, which states:

If the search and examination of all the claims in an application can be made without serious burden, the Examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

It is believed that the claims of the present application would be part of an overlapping search area, as each of the independent claims is directed to a data input device. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort.